



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: R. T. Chern, et al.

Group No.: 1615

U.S. Serial No.: 09/271,098

Filed: March 18, 1999

Examiner: S. Sharareh

For: LIQUID POLYMERIC COMPOSITIONS FOR CONTROLLED
RELEASE OF BIOACTIVE SUBSTANCES

Assistant Commissioner for Patents
Washington, D.C. 20231

**TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION**
[37 CFR 1.321]

I, David L. Rose, residing at
46 Otter Creek Road, Skillman, NJ 08558, am a representative
of the assignee identified below, empowered to act on its behalf, pursuant to attached
Corporate Resolution No. 5, dated 04/27/2001.

The assignee, Merck & Co., Inc.,
certifies that it is the assignee of the entire right, title and interest in the above-identified
patent application by virtue of an Assignment from the inventor(s) in the aforesaid
patent application, which was recorded in the United States Patent & Trademark Office
on Reel(s) _____ Frame(s) _____
on _____ or which was forwarded for recording on _____,
or is being concurrently forwarded for recording under separate cover. Copies of the
transmittal letter and assignment are attached. The aforesaid assignment establishes the
ownership in the assignee of the above-identified application pursuant to 37 CFR 3.73(b).

The undersigned has reviewed all of the evidentiary documents in the chain of title of
the above-identified patent application, and the undersigned certifies that, to the best of
the undersigned's knowledge and belief, title is in the assignee named above.

I hereby disclaim the terminal part of the statutory term of any patent granted on the
above-identified application, which would extend beyond the expiration date of the full
statutory term of:

☒ United States Patent No. 6136838, or as presently shortened by any terminal
disclaimer,

☐ Any patent granted on application serial number _____

and hereby agree that any patent so granted on the above-identified application shall be enforceable on, for and during such periods that the legal title to said patent shall be the same as the legal title to:

☒ United States Patent No. 6136838 ,

☐ Any patent granted on application serial number _____ ,

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of:

☒ United States Patent No. 6136838 , or as presently shortened by any terminal disclaimer,

☐ Any patent granted on application serial number _____ ,

in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The Assistant Commissioner is requested to charge Account No. 13-2755 the sum of \$130.00 and any fee deficiency required by this paper. A duplicate of this disclaimer is attached.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date appearing below.

MERCK & CO., INC.

By David L. Rose Date May 21, 2001

In Duplicate
Attachs.

Date: 05/21/2001

David L. Rose
Disclaimant David L. Rose
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